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RECEIVED AND FILED
WITH THE
N.J. BOARD OF DENTISTRY
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STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF DENTISTRY

IN THE MATTER OF :
:
SUSAN KRUTYANSKY, D.D.S. :
License No. DI 20201 :
:
LICENSED TO PRACTICE DENTISTRY :
IN THE STATE OF NEW JERSEY :

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Dentistry ("Board") upon receipt of information from Delta Dental that Susan Krutyansky, D.D.S. ("respondent"), was billing patients for treatments and procedures that had not been rendered. Respondent has a fifty percent ownership interest and is the registered agent and director of "Smart Choice Dental." Specifically, respondent billed patient J.N. for services on May 15, 2000 when patient J.N. was in the hospital on that day and could not receive such services from respondent. Additionally, respondent billed patient J.G. for services performed on February 22, 2000, however J.G. was out of the country on that day. Further, respondent billed the primary and secondary insurance carriers for both patients as if they were both primary carriers. As a result, respondent received payments that exceeded the actual original amount for each charged service. Respondent also billed three patients for services and procedures that were never rendered. Specifically, respondent billed patient J.G. for work done to tooth #20 during the year 2000, when respondent never performed such work. Respondent also billed patient J.G. for periodontal root scaling and planning on two dates, although these services were never provided. Additionally, respondent billed patient J.N. for work done to

tooth #12 and tooth #13 during the year 2000, and for work done to tooth #20 during the year 2001, when respondent never performed such work. Respondent also billed patient V.G. for fillings on several teeth, when respondent never performed such work. Finally, the patient records pertaining to patients J.G., J.N. and V.G. were not contemporaneously recorded. Additionally, many of the treatment notes do not contain the name, signature or initials of the provider of the dental services.

On May 16, 2007, respondent appeared at an inquiry before the Board. Respondent testified that she and Dr. Gordeev are each 50% owners of the practice. Dr. Gordeev is the president and respondent is vice-president. Respondent indicated that when they first opened the practice, Dr. Gordeev would perform most of the treatment and respondent would do the paper work. Dr. Gordeev had trouble writing English and had bad handwriting. As a result, Dr. Gordeev would write the treatment performed on a post-it and respondent would later add it to the patient's record.

Respondent admitted that on some occasions, Dr. Gordeev would forget to put a date of treatment on the post-it note. As a result, respondent would fabricate the date in the patient record. According to respondent, this was the reason why there were discrepancies with the dates of treatment between the insurance submissions and the patient charts.

Having reviewed the entire record, including the Enforcement Bureau investigation report, it appears to the Board that these facts establish a basis for disciplinary action pursuant to N.J.A.C. 13:30-8.10(b)1 in that respondent submitted to a third party payor claims in which the treatment dates did not accurately reflect the dates when the services and procedures were actually completed. Additionally, it appears to the Board that these facts establish a basis for disciplinary action pursuant to N.J.A.C. 13:30-8.10(b)2 in that respondent submitted insurance claims to a third party payor which contain a description of a dental service or procedure that does not accurately reflect the actual work performed. Finally, it appears to the Board that these facts establish a basis for disciplinary action pursuant to N.J.A.C. 13:30-8.7 in that respondent failed to comply with the Board regulations pertaining to patient records. It appearing that respondent desires to resolve this matter

without recourse to formal proceedings and having waived any right to a hearing and for good cause shown;

IT IS ON THIS 12 DAY OF December, 2008

HEREBY ORDERED AND AGREED THAT:

1. Respondent is assessed civil penalties, pursuant to N.J.S.A. 45:1-22, in the amount of \$1,250 for submitting claims to third party payors in which the treatment dates did not accurately reflect the dates when the services and procedures were actually completed in violation of N.J.A.C. 13:30-8.10(b)1, as well as submitting claims to third party payors which contain descriptions of dental services or procedures that do not accurately reflect the actual work performed in violation of N.J.A.C. 13:30-8.10(b)2. Additionally, respondent is hereby assessed a civil penalty, pursuant to N.J.S.A. 45:1-22, in the amount of \$500 for failing to comply with the Board regulations pertaining to patient records in violation of N.J.A.C. 13:30-8.7. Payment of the total monetary penalty of \$1,750 shall be made no later than 30 days from the entry of this Consent Order. Payment shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Jonathan Eisenmenger, Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101. Subsequent violations will subject respondent to enhanced penalties pursuant to N.J.S.A. 45:1-25.

2. Respondent is assessed the costs of the investigation to the State in this matter in the amount of \$ 6,900.50. Payment for the costs shall be submitted by certified check or money order made payable to the State of New Jersey and submitted to the Board no later than thirty (30) days from the entry of this Consent Order. Payment of the costs of the investigation shall be submitted by certified check or money order made payable to the State of New Jersey and shall be sent to Executive Director, Board of Dentistry, P.O. Box 45005, 124 Halsey Street, Sixth Floor, Newark New Jersey 07101.

3. Respondent shall successfully complete a seven (7) hour record keeping course within one month from the entry of this order. This course, which is in addition to the regularly required continuing education hours, shall be approved by the Board in writing prior to attendance. Respondent shall complete the attached continuing education report and

Proof of Attendance as proof of successful completion of the required course work. The attached form is made a part of this Consent Order.

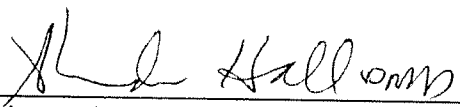
4. Respondent shall submit to one (1) random audit by Affiliated Monitors, Boston, Massachusetts. Respondent shall be responsible for the cost of the audit. The audit shall be conducted within six (6) months from the entry date of this Consent Order. Respondent shall provide the Board with a copy of the audit report within two (2) weeks from the date that the audit report is generated.

5. Failure to remit any payment required by this Order will result in the filing of a certificate of debt and such other proceedings which are permitted by law,

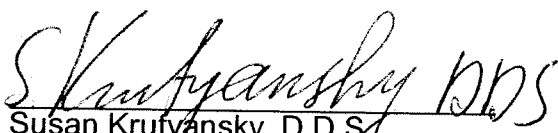
6. Respondent shall permit representatives of the Board to enter her dental office premises during regular business hours, shall cooperate with any Board inspection of her office premises and records and shall submit to random audits of her records.

7. Failure to comply with any of the terms of this consent order may result in further disciplinary action.

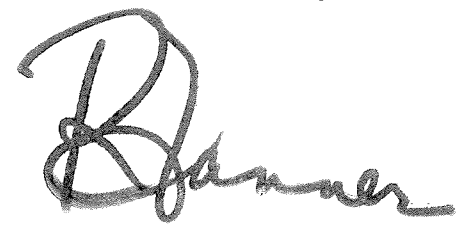
NEW JERSEY STATE BOARD OF DENTISTRY

By: 
Alexander Hall, D.M.D.
Board President

I have read and understand this Consent Order and agree to be bound by its terms. I consent to the entry of this order.


Susan Krutyansky, D.D.S.

I consent to the form and entry of this order


Richard Tanner, Esq.
Attorney for ~~Mikhail Gordon~~, D.D.S.
~~SUSAN KRUTYANSKY, DDS~~

Date 11/28/08

Date 12/3/08